



Patent Application  
U.S. Appln. No. 08/944,234  
Attorney Docket No.: 64118.000044

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :  
 :  
Vincent Bryan *et al.* : Group Art Unit: 1173  
 :  
Appln. No.: 08/944,234 :  
 :  
Filed: October 6, 1997 : Examiner: Lien M. Ngo  
 :  
 :  
For: DRILL HEAD FOR USE IN PLACING :  
AN INTERVERTEBRAL DISC DEVICE :

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**  
**FROM THE PRIMARY EXAMINER**  
**TO THE BOARD OF APPEALS**  
**AND PETITION FOR EXTENSION OF TIME**

Sir:

**REQUEST FOR EXTENSION OF TIME**

Applicants respectfully request a three-month extension of time under 37 C.F.R. § 1.136(a) for responding to the Final Office Action mailed on March 31, 2005, in the above-captioned application. Accordingly, it is respectfully requested that the time for response be extended up to and including September 30, 2005. A check in the amount of \$ 1020.00 to cover the three-month extension of time fee is enclosed. In the event of any variance between the amount enclosed and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 50-0206.

10/03/2005 MGE BREM1 00000025 08944234

01 FC:1401  
02 FC:1253

500.00 OP  
1020.00 OP

**NOTICE OF APPEAL**  
**FROM THE PRIMARY EXAMINER**  
**TO THE BOARD OF APPEALS**

Applicants hereby appeal to the Board of Appeals from the decision dated March 31, 2005 of the Primary Examiner finally rejecting claims 1-3, 5-7, 13-28, 30-35, 37-50, 52-57, 59-61, 67-71, 73-76, 78-85, 87-92, 94-97, 100-102, 104-109, 111, 114-125, 128, 130-138 in the above-referenced patent application.

A check in the amount of \$500.00 covering the cost of the fee for filing this Notice of Appeal is attached.

Please charge any shortage in fees due in connection with the filing of this communication to Deposit Account No. 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

Hunton & Williams LLP

By:   
Robert M. Schulman, Reg. No. 31,196

Date: September 30, 2005

Hunton & Williams LLP  
1900 K Street, N.W.  
Washington, D.C. 20006-1109  
Telephone: (202) 955-1500  
Facsimile: (202) 778-2201

RMS/OAF/dja